

Remarks/Arguments

The present remark is in response to the Office Action mailed on March 25, 2005, in which Claim 1-15 were rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

Claim 1 and 8 are amended. No Claims are cancelled. No Claims are added.

All the changes are made for clarification and are based on the application and drawings as originally filed. It's respectfully submitted that no new matter is added.

Applicant respectfully requests reconsideration in light of above amendments and the following remarks.

CLAIM Amendments – In General

The main substantive change to Claim 1 is an added step "customizing said merchandise according to said selected items." The amendment is supported by the description of the original specification and pertinent drawings, and therefore does not add new matter.

CLAIM REJECTION – 35 U.S.C. SECTION 102 (e)

With respect to the Office Action mailed on March 25, 2005, the Examiner rejected Claim 1-15 under 35 U.S.C. 102 (e) as being anticipated by Downs et al (US Patent No. 6,226,618).

The Examiner is of the particular opinions that Downs shows, section IX, column 70-79, an electronic digital content store 103 (first device, proving merchandise) displays price and description of electronic content 113. The end-user device 109 (second device), column 79-89, is able to evaluate and select electronic content. The store and the end-user device can, upon request, download self-installing applications, mainly player application 195, which is designed for customization by being based on software object (column 86, line 26-27). Besides, Downs also has disclosed merchandise includes an expiration date (column 25, line 29), the product Ids (serial numbers) used to identify the particular electronic content selected, the authorizations (codes) and notifications of completions of activities (column 72, line 54-59).

Applicant respectfully traverses these rejections.

Firstly, Applicant has to state that, the major purpose of present invention is to provide customized merchandise in accordance with user's selection. In other words, the present invention discloses a mechanism/method for customers/users to acquire merchandise(package software) with customized functions, pay the payment for selected functions only, and download the

particularly customized merchandise accordingly . Consider the case: package software “AAA” contains function of “PDF FILE Export”, however, user A has no demand for this function. According to the present invention, user A may discard/ignore this function from AAA, value and pay the software price according to selected functions, and further download/purchase package software “AAA” containing no “PDF FILE Export” function.

In order to have more specific, concise, and more distinguishable claims of the present invention, Applicant amended claim 1 as listed above. According to the Examiner’s particular opinions listed above, Applicant agrees that Downs may show an entire e-business system and some relative practical e-business methods thereof, however, it doesn’t direct to Downs has already disclosed all features of the present invention.

In the basis of amended claim 1, Applicant finds that Downs does not disclose the added recitation of Claim 1 “customizing said merchandise according to said selected items” as claimed. Downs shows the player application 195 for playing electronic content 113 could be customized, for example (from column 86, line 46 of Downs), the electronic content 113 is music, the player application 195 may be designed to have multitudes of functions such as “Open Play-list”, “Edit Play-list”, “Play Song”...etc. However, the “customization” mentioned in present invention means the customers can purchase merchandise consisting merely of selected functions/items, in other words, they can optionally select desired functions of merchandise or buy specific-designed merchandise on their own choice. Summarily speaking, the “customization” of the present invention is totally different to what mentioned

in Downs.

As the same reason as discussed above, independent Claim 8 recites “building a customized software merchandise according to said selected items”, or the third recitation of independent claim 15 “accepting a request of item selection, said request of item selection selecting parts of said items” are not anticipated over Downs, too. Hence, the fact is the amended claim 1, the original independent claim 8 and 15 are unanticipated over Downs.

Moreover, Applicant further finds that Downs’ product ID is not equivalent to the serial number of the present invention. Referring to Downs, in column 72, line 43, “The product ID is what the Electronic Digital Content Store(s) 103 passes to the Transaction Processor Module 175 to identify the product that the user has purchased” shows the product ID is used/transferred among the server (store) side. Nevertheless, the serial number is outputted by the user and transmitted to the server (page 8, line 14-16) for the inspection of the prior product. In addition, serial number contains, in a preferred embodiment, multitudes of functions/codes, such as Registry code, Version code...etc (FIG. 3B), which is used to update merchandise when the customer already had a prior one. Down’s product Id does not have the same function. Therefore, except above-mentioned reasons, Claim 3-5 are still unanticipated by Downs.

For the reasons discussed above, Applicant respectfully submits that amended Claim 1, original independent Claim 8 and 15 is not anticipated by Downs. Other pertinent dependent claims (PS. The Examiner didn’t mention claims 16-20 in the Office Action of March 25, 2005, but they dependent on

independent Claim 15) which dependent directly or indirectly from Claim 1, 8, and 15 are believed patentable over Downs.

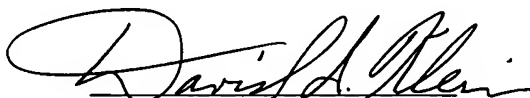
Reconsideration and withdrawal of the rejections under 35 U.S.C. Section 102 are respectfully request.

CONCLUSION

In the light of the above amendments and remarks, Applicant respectfully submits that pending Claims 1-20 as currently presented are in condition for allowance. Applicant has thoroughly reviewed that art cited but relied upon by the Examiner. Applicant has concluded that these references do not affect the patentability of these claims as currently presented. Accordingly, reconsideration is respectfully requested.

This Amendment was prepared by Applicant, and is being submitted without substantive change by the undersigned Attorney.

Respectfully submitted,



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